

REMARKS

Office action summary

Claims 19-27 and 33-55 are pending in the present application. Claims 19, 33, 38, and 43 are presently amended. No claims are presently added or canceled. In the office action of December 23, 2010 ("Office Action"), the examiner rejected the claims and deemed the claims to be allowable as follows:

- Claims 19-20, 24-27, 33-34, 36-39, 41-44, and 46-47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Alexander et al, US Patent 6,177,931 ("Alexander") in view of Detering, US Publication 2002/0116313 A1 ("Detering").
- Claims 21-22, 35, 40, and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Alexander in view of Detering, and further in view of Official Notice.
- Claim 23 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Alexander in view of Detering, and further in view of Tsuchiya et al, "High Density Digital Videodisc using 635mm Laser Diode" ("Tsuchiya").
- Regarding claims 48-55, the examiner indicated that claims 19, 33, 38, and 43 would be in condition for allowance if respectively amended to incorporate both of claims 48 and 49, both of claims 50 and 51, both of claims 52 and 53, and both of claims 54 and 55.

The rejections are discussed below. The examiner is respectfully urged to reconsider the application and withdraw the rejections. Should the examiner have any questions or concerns that might be efficiently resolved by way of a telephonic interview, the examiner is invited to call applicants' undersigned attorney, Jon M. Isaacson, at 206-332-1102.

Telephonic interview

On February 9, 2011, applicants' undersigned attorney and Nguyen-Ba conducted a telephonic interview. Applicants' undersigned attorney would like to thank the examiner for

granting the interview. During the interview, applicants' arguments were discussed without reaching any formal agreement. Any further substance of the interview is incorporated into the remarks below.

Listings of pending claims in the Office Action

Preliminarily, applicants request clarification of the claims which are pending in the present application. The Office Action includes two indications of the claims which are pending in the present application: (1) the "Office Action Summary" on page 1 of the Office Action indicates that claims 1-27 and 33-55 are pending; and (2) the "Detailed Action" section on page 2 of the Office Action indicates that claims 19-28 and 33-47 are pending. Applicants respectfully submit that both indications are incorrect. Following entry of applicants' amendments filed on October 7, 2010, claims 19-27 and 33-55 should have been pending. Accordingly, applicants respectfully request confirmation that claims 19-27 and 33-55 are pending in the application.

Claim amendments

Applicants presently amend claim 19, 33, 38, and 43 to address an informality. More specifically, the present amendments ensure proper antecedent basis of a term in each of claims 19, 33, 38, and 43. Inasmuch as the present amendments address an informality, applicants respectfully request entry of the present amendments.

Rejections under 35 U.S.C. § 103(a)

Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Alexander in view of Detering. Claim 19 is directed to "[a] method for displaying advertisements at a user location." The method of claim 19 comprises "displaying entertainment content at the user location, the entertainment content including insertion points for display of advertisements" and "receiving a plurality of advertisements at the user location." The method of claim 19 further comprises "displaying at least one of the received plurality of advertisements during a first insertion point, the at least one of the received plurality of advertisements selected based on user

preferences from a plurality of user locations and in accordance with a winning bid of an advertiser in an auction.”

In the Office Action, the examiner indicates that Alexander does not teach “displaying at least one of the received plurality of advertisements during a first insertion point, the at least one of the received plurality of advertisements selected based on user preferences from a plurality of user locations and in accordance with a winning bid of an advertiser in an auction,” as recited by claim 19. Office Action, pages 3-4. In an effort to cure the deficiencies in Alexander, the examiner cites to Detering’s abstract as teaching this recitation of claim 19. *Id.*, page 4. In contrast to the assertions of the examiner, for the reasons that follow, applicants submit that Detering fails to teach or suggest “displaying at least one of the *received plurality of advertisements* during a first insertion point, the at least one of the received plurality of advertisements selected based on user preferences from a plurality of user locations and in accordance with a winning bid of an advertiser in an auction,” as recited by claim 19 (emphasis added).

In the portion of Detering cited by the examiner, Detering states:

A method of quickly and efficiently determining pricing and allocation of advertising messages in a diversity of documents to be presented to a diversity of users with varying degrees of targeting information known about them. A database of individual users’ profiles is maintained. Profiles may contain information about users’ demographics, interests, and behavior patterns. Advertisers place bids on reaching users. Bids are collected and stored until a user requests *a document that can be combined with an advertising message* to be presented to user. Then, different bids of reaching that user are compared to determine the winning bid, serve the advertising message, and to determine the price to be paid by the winning advertiser. Means are provided to make bids react dynamically on the content of the requested documents and on the overall schedule of reaching users repeatedly, to discount bids if advertising message is likely to be undesirable, and to *allocate advertising messages into documents* provided by third parties.

Detering, abstract (emphasis added). As emphasized above, Detering describes that a user requests a document and that an advertisement is combined with the document before the document is sent to the user. Other portions of Detering describe including advertisements in

documents before providing those documents to users. *See* Detering, paras. 0014 and 0028-0029. However, Detering does not describe inserting an advertisement that has been received at a user location into a document. Thus, Detering does not teach or suggest “displaying at least one of the *received plurality of advertisements* during a first insertion point” where the received plurality of advertisements are “receiv[ed]...*at the user location*,” as recited by claim 19 (emphases added). Further, because these portions of Detering describe inserting an advertisement into a document before sending the document to a user, Detering does not teach or suggest that “the at least one of the *received plurality of advertisements* [are] selected based on user preferences from a plurality of user locations and in accordance with a winning bid of an advertiser in an auction” where the received plurality of advertisements are “receiv[ed]...*at the user location*,” as recited by claim 19 (emphases added).

As discussed above, Detering fails to teach or suggest, “displaying at least one of the received plurality of advertisements during a first insertion point, the at least one of the received plurality of advertisements selected based on user preferences from a plurality of user locations and in accordance with a winning bid of an advertiser in an auction,” as recited by claim 19. Further, the examiner recognizes that Alexander fails to teach this recitation. For at least these reasons, applicants submit that Alexander and Detering fail to render obvious claim 19. Accordingly, applicants respectfully request reconsideration and withdrawal of the rejection of claim 19 under 35 U.S.C. § 103(a).

Claims 33, 38, and 43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Alexander in view of Detering. Each of claims 33, 38, and 43 recite subject matter similar to the subject matter of claim 19 discussed above. For at least the reasons that claim 19 is not rendered obvious by Alexander and Detering, applicants submit that claims 33, 38, and 43 are also not rendered obvious by Alexander and Detering. Accordingly, applicants respectfully request reconsideration and withdrawal of the rejection of claims 33, 38, and 43 under 35 U.S.C. § 103(a).

Claims 20, 24-27, 36-37, 39, 41-42, 44, and 46-47 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Alexander in view of Detering. Claims 20, 24-27,

36-37, 39, 41-42, 44, and 46-47 depend, directly or indirectly, from claims 19, 33, 38, and 43. Inasmuch as claims 20, 24-27, 36-37, 39, 41-42, 44, and 46-47 depend from claims which are not rendered obvious by Alexander and Detering, applicants submit that claims 20, 24-27, 36-37, 39, 41-42, 44, and 46-47 are also not rendered obvious by Alexander and Detering. Accordingly, applicants respectfully request reconsideration and withdrawal of the rejection of claims 20, 24-27, 36-37, 39, 41-42, 44, and 46-47 under 35 U.S.C. § 103(a).

Claims 21-22, 35, 40, and 45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Alexander in view of Detering, and further in view of Official Notice. Claims 21-22, 35, 40, and 45 depend from claims 19, 33, 38, and 43. In the Office Action, the examiner takes official notice that “[a] circuit (e.g., V-chip) designed to selective blocking audio and video signals for the purpose of preventing the receiver to display of record video or movies containing violence or nudity (see U.S. Patent No. 5,828,402 or 4,554,584, or 5,387,942)” is well-known in the art, and that “[a] disc that has a diameter greater than 125 mm (i.e., 12.5 cm) and less than 300 mm (i.e., 30 cm) is the well-known laser disc.” Office Action, pages 7-8. Without conceding the propriety of these findings of official notice, applicants submit that the examiner’s findings of official notice fail to cure the deficiencies in Alexander and Detering to render obvious claims 19, 33, 38, and 43. Thus, claims 19, 33, 38, and 43 are not rendered obvious by Alexander in view of Detering, and further in view of the examiner’s findings of official notice. Further, because claims 21-22, 35, 40, and 45 depend from claims 19, 33, 38, and 43, applicants submit that claims 21-22, 35, 40, and 45 are also not rendered obvious by Alexander in view of Detering, and further in view of the examiner’s findings of official notice. Accordingly, applicants request withdrawal of the rejection of claims 21-22, 34, 40, and 45 under 35 U.S.C. § 103(a).

Claim 23 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Alexander in view of Detering, and further in view of Tsuchiya. Claim 23 depends from claim 19. Regarding Tsuchiya, the examiner finds that “Tsuchiya discloses a high density digital videodisc using 635nm laser diode for the purpose of producing a high quality digital videodisc.” Office Action, page 9. Without conceding the propriety of this finding, applicants submit that the

DOCKET NO.: **OO-0070
Application No.: 10/035,172
Office Action Dated: December 23, 2010

PATENT

examiner's finding with respect to Tsuchiya fails to cure the deficiencies in Alexander and Detering to render obvious claim 19. Thus, claim 19 is not rendered obvious by Alexander in view of Detering, and further in view of Tsuchiya. Further, because claim 23 depends from claim 19, applicants submit that claim 23 is also not rendered obvious by Alexander in view of Detering, and further in view of Tsuchiya. Accordingly, applicants request withdrawal of the rejection of claim 23 under 35 U.S.C. § 103(a).

Conclusion

Applicants believe that the present remarks are responsive to each of the points raised by the examiner in the Office Action, and submit that claims 19-27 and 33-55 of the application are in condition for allowance. Favorable consideration and passage to issue of the application at the examiner's earliest convenience is earnestly solicited.

Date: February 23, 2011

/Jon M. Isaacson/
Jon M. Isaacson
Registration No. 60,436

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439